

MINUTES
UTAH
PHYSICIANS LICENSING BOARD
MEETING

August 8, 2007

ROOM 474– 8:30 A.M.
Heber Wells Building
Salt Lake City, UT 84111

CONVENED: 8:47 a.m.

ADJOURNED: 12.21 p.m.

Bureau Manager:
Board Secretary:

Diana Baker
Penny Vogeler

Board Members Present:

Lori Buhler, public member
James Fowler, MD
Stephen Lamb, MD
Marc Babitz, MD
George Pingree, MD
Kristen Ries, MD

Board Members Absent:

Michael Giovanniello, MD
John Bennion, Ph.D., public member
Richard Sperry, MD

DOPL Staff Present:

F. David Stanley, Division Director

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

July 11, 2007 minutes:

The minutes were approved as written. All Board members in favor.

NEW BUSINESS:

Swearing in of new Board member:

Ms. Baker swore in Dr. Kristen Reis as a new member of the Physicians Licensing Board. The Board welcomed Dr. Reis.

Agenda Review by Diana Baker:

Ms. Baker reviewed the Agenda with Board members.

Review Memorandum regarding the global definition of levels of supervision:

A Motion was made to approve the language as written for R156-17b-102.5 as language that would

sufficiently define the supervision of unlicensed medical assistants as it relates to the profession of physician and surgeon. The Motion was seconded. All Board members in favor.

BOARD BUSINESS:

Layfe Anthony, MD
Interview:

Dr. Anthony was excused and will be scheduled next month.

Philip Washburn, MD
Interview:

Dr. Washburn was excused and will be scheduled next month.

Paul Benson, MD
Interview:

Dr. Babitz conducted the interview. Dr. Benson indicated his practice is going well. He stated he contacted Dr. Brunson's office to have his evaluation submitted; however, Dr. Brunson is out of town. Dr. Benson is **out of compliance** due to not having the evaluation report into the Board for review.

Kerri Jewkes,
Office Manger for Dr. Paul Benson:

Ms. Jewkes is Dr. Benson's office manager. She was asked to come before the Board to discuss Dr. Benson's relationship with his patients and his behavior at work. She is also serving as a chaperone for Dr. Benson. Ms. Jewkes stated Dr. Benson is never in a room alone with any patient. She indicated being the supervisor of her boss does not seem to be a problem and stated she feels that because she is older and has also been in her position for a long time, makes it easier for her to honestly submit supervisory reports for Dr. Benson. Ms. Jewkes stated she would not hesitate informing the Board of any inappropriate behavior within the office. Ms. Jewkes questioned if there is a possibility of early termination for Dr. Benson. Dr. Babitz stated the Board would like to monitor Dr. Benson for at least two years, however, if the Dental Board terminated probation, the Physicians Board would consider terminating the probation.

Judy Engen, MD
Interview:

Dr. Engen is still unable to leave home due to her injury and will be scheduled with the Board when she is doing better. Ms. Baker attempted to contact Dr. Engen for a telephone interview but she did not respond to the phone call.

Steven Yearsley, MD
Telephone Interview:

Dr. Fowler conducted the telephone interview. Dr. Yearsley stated nothing has changed since his last

interview with the Board. Dr. Yearsley stated he is enrolled in the November 5 -7, 2007 prescribing course in California. Ms. Baker indicated that the Controlled Substance Data Base shows that he has written a prescription for a patient in St. George. Dr. Yearsley stated he is writing prescriptions on his Nevada license. Ms. Baker indicated the pharmacy may refuse to fill prescriptions in Utah because his Utah controlled substance license is suspended. He needs to make the patient aware that this could be a problem for them, and they may want to fill prescriptions in Nevada to be sure of getting their medication.

Discussion:

Dr. Babitz discussed the issue of insurance companies dropping a physician once they are on probation. Dr. Babitz stated this is not the position of the Board and the Board does not negotiate this matter. It was suggested by the Board that letters can be written to an insurance company if requested. Ms. Baker stated she is willing to write such a letter.

Allen Naylor, MD
Interview:

Dr. Lamb conducted the interview with Dr. Naylor. Dr. Naylor submitted a practice plan and a very positive letter from Mr. Mower, his supervisor. Dr. Naylor also continues to work at the plasma center. Dr. Naylor had examined 15 males and no females at the center, so no chaperon list was provided. He stated he is not planning on going back to clinical practice at this time or in the near future. Dr. Naylor requested that the minutes not reflect his place of employment and Board members agreed that this could be problematic. The Board discussed his meeting in January and that his probation could be terminated at that time. Dr. Naylor is in compliance with his Order.

Mia Carson, MD
Telephone Interview:

Dr. Carson is practicing medicine in Hawaii at an urgent care facility. Dr. Carlson has not submitted the supervisory report and Dr. Carson indicated she would have him submit it within the next week. The Hawaii Medical Association is no longer the monitoring body for Dr. Carson's probationary status. The new facility has not submitted their report and Dr. Carson indicated she will also contact them and she would fax her copy of the report to the Division. Dr. Carson indicated she no longer sees a therapist and Ms. Baker asked her to fax a letter of this release. Dr. Carson will be

scheduled for another telephone interview in six months if she comes into compliance. **Dr. Carson is out of compliance with the terms and conditions of her Order.**

Review letter from Jeffery Clark:

Dr. Clark indicated he has been accepted into a retraining residency in anesthesiology at the University of Buffalo-SUNY. He is petitioning to have his controlled substance license returned. A Motion was made to reinstate the controlled substance license on restriction with the following terms and conditions: he is restrict to use the license only in a supervised residency program, random urine screen, submit supervisor and therapist reports and submit documentation of attendance at PIR meetings. The Motion was seconded. All Board members in favor. Ms. Baker will notify Dr. Clark of the decision and instruct him to submit an application as soon as possible to reinstate his controlled substance license.

Review letter from Terrell Sellers:

Dr. Sellers submitted a request to terminate his restriction of administrative medicine only and reinstate his license to a probationary license. Dr. Sellers indicated he has been offered a 20 hour a week position as medical director of a medical spa. A Motion was made to approve his practice plan. Dr. Sellers needs to notify the Board of a plan of a clinical evaluation. The Motion was seconded. All Board members in favor. Dr. Sellers will be requested to meet with the Board next month.

Jesse Perry, MD
New Application:

Dr. Babitz conducted the interview. Dr. Perry indicated he retired in 2006 and has not practice for 18 months. He has move to Utah and decided to return to practice on a part time basis. A Motion was made to approve his application for licensure. The Motion was seconded. All Board members in favor.

Steven Pack, MD
Interview:

Dr. Fowler conducted the interview. Dr. Pack indicated he found two courses online and requested permission to complete these courses and have them meet the requirement for this continuing education requirement of his Order. He indicated he has had a difficult time finding a course in medical records. He admitted to having a medical record keeping problem. Dr. Fowler stated the Professionalism Course from Case Western he submitted would satisfy the ethics

requirement but not the controlled substance prescribing course. He was encouraged to check into the PACE program or the course in Oregon regarding controlled substance prescribing.

Board members questioned Dr. Pack regarding the prescriptions on the controlled substance data base filled under his name. Dr. Pack indicated these are his patients, but he has not written any prescriptions. Ms. Baker will have investigations look into this matter.

Dr. Brent Lind, supervisor, was contacted by telephone. Board members questioned Dr. Lind whether he understands the Stipulation and Order and whether or not he agrees to supervise Dr. Pack and to review 10% of charts each month. A performance evaluation shall be submitted quarterly. Dr. Lind stated he understands. Dr. Pack will be seen in three months and is **in compliance with his Order**.

Dan Purser, MD
Interview:

Dr. Purser presented a packet to Board members in regards to his medical issues and the concerns of the Board regarding his ability to increase his practice. Dr. Purser submitted a practice plan to the Board for review. Dr. Purser would like to work in wellness/prevention care with Dr. Michael Jensen as his supervising physician. A Motion was made to accept Dr. Purser's practice plan that restricts his clinical practice to less than full time. Dr. Purser is very aware of his limitations and agrees that he must set limits on himself. The Motion was seconded. All Board members in favor. Ms. Baker will amend his Order.

Applications approved by the Division:

Andrew Chen, MD
Stephen Carroll, MD
Michael Jemmett, MD
Michael McLay, MD
Scott Justesen, MD
Travis Carroll, MD
Renee Dunn, MD
Brian Harlan, MD
Shadi Karabsheh, MD
Luther Creed, MD
Ibrahim Abu Romeh, MD
Alfonso Preciado, MD
Aubrey Swartz, MD

Samuel Johnson, MD
Kimberley Blewett, MD
Justin White, MD
Toby Davis, MD
Aubrey Jantzen, MD
Gianna Link, MD
John Abboud, MD
Wayne Fang, MD
Matthew Sweney, MD
Hamid Mian, MD
David Adams, MD
Priyank Jain, MD
Lynn Barlow, MD
Jonathan Burns, MD
Timothy Gavowski, MD
Lance Barker, MD
Truc Pham, MD
Ambrish Dalal, MD
Parrag Patel, MD
Amer Alkhatib, MD
Joseph Koveleskie, MD
James Short, MD
Lance Knecht, MD
Jennifer Wright, MD
Safwan Halabi, MD
James Hellewell, MD
Marvin Spann, MD
Don Van Boerum, MD
Yuri Khodakov, MD
Chaya Krishnamurthy, MD
Brian Collins, MD
Michael Karge, MD
Justin Bundy, MD
Kenneth Grossmann, MD
Nicole Mitchell, MD
Robert Crawford, MD
Pahl Bench, MD

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

September 12, 2007
Date Approved

(ss) George Pingree
George Pingree, MD Chairperson, Physicians Licensing
Board

Page 7 of 7
Minutes
Physicians Licensing Board
August 8, 2007

September 12, 2007
Date Approved

(ss) Diana Baker
Diana Baker, Bureau Manager, Division of Occupational &
Professional Licensing